

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

TOTAL REBUILD, INC.)
)
Plaintiff/Counterclaim-Defendant,)
) Civil Action No.: 6:15-CV-01855
v.)
)
PHC FLUID POWER, LLC,) JUDGE TERRY A. DOUGHTY
)
Defendant/Counterclaim-Plaintiff.) MAGISTRATE JUDGE
) WHITEHURST
)
) JURY TRIAL DEMANDED
)
)
)

NOTICE OF APPEAL

Notice is hereby given that, pursuant to 28 U.S.C. § 1295(a)(1), Plaintiff/Counterclaim-Defendant Total Rebuild, Inc. appeals to the United States Court of Appeals for the Federal Circuit from the Judgment entered in this action by the District Court on October 15, 2019 (R. Doc. 428), including all prior-entered related rulings, orders and opinions, including Order and Ruling denying Motion for Partial Summary Judgment entered on March 18, 2019 (R. Doc. 252), Ruling and Order granting Motion to Strike Total Rebuild Inc.'s Third Supplemental Infringement Contentions entered on March 28, 2019 (R. Doc. 263), Memorandum Opinion on Claim Construction entered on June 10, 2019 (R. Doc. 278), Claim Construction Order entered on June 10, 2019 (R. Doc. 279), Memorandum Ruling re Motion *in Limine* regarding Blaine LaFleur entered on June 10, 2019 (R. Doc. 280), Order granting in part and denying in part Motion *in Limine* regarding Blaine LaFleur entered on June 10, 2019 (R. Doc. 281), Memorandum Ruling re Motion *in Limine* Regarding Systems with Testing Equipment Outside of Housing entered on June

10, 2019 (R. Doc. 282), Order granting in part and denying in part Motion *in Limine* regarding Systems with Testing Equipment Outside of Housing and Motion *in Limine* regarding Sales and Revenue entered on June 10, 2019 (R. Doc. 283), Memorandum Ruling re Motion *in Limine* Regarding Certain Deposition Testimony entered on June 10, 2019 (R. Doc. 284), Order granting in part and denying in part Motion *in Limine* regarding Certain Deposition Testimony entered on June 10, 2019 (R. Doc. 285), Memorandum Ruling re Motion *in Limine* re Accused Systems Pumps Outside entered on August 29, 2019 (R. Doc. 327), Order granting in part and denying in part Motion *in Limine* re Accused Systems Pumps Outside entered on August 29, 2019 (R. Doc. 328), Memorandum Ruling re Motion *in Limine* regarding Total's Requests for Admissions Nos. 10-14 entered on August 29, 2019 (R. Doc. 329), Order granting Motion *in Limine* regarding Total's Requests for Admission Nos. 10-14 entered on August 29, 2019 (R. Doc. 330), Memorandum Ruling re Motion *in Limine* re Systems Not Identified with Specificity entered on September 9, 2019 (R. Doc. 375), Order granting in part and denying in part Motion *in Limine* regarding Systems Not Identified with Specificity entered on September 9, 2019 (R. Doc. 376), Preliminary Findings of Fact and Conclusions of Law entered on September 13, 2019 (R. Doc. 388), the Memorandum Opinion entered on October 15, 2019 (R. Doc. 427) and the Judgment (R. Doc. 428) entered on October 15, 2019.

This Notice of Appeal is filed with payment to the United States District Court for the Western District of Louisiana of the \$500 fee required under 28 U.S.C. § 1913 and Federal Circuit Rule 52(a)(3)(A), and payment of the \$5 fee required under 28 U.S.C. § 1917.

Dated: November 13, 2019

Respectfully submitted,

/s/ James C. Carver

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**Pro hac vice application to be submitted*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that true copies of the foregoing Notice of Appeal were caused to be served on November 13, 2019 by electronic mail and/or the CM/ECF system upon counsel of record.

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